

REMARKS

This application has been carefully reviewed in light of the Office Action dated February 23, 2005. Claims 1, 3, 4, 6, 8, 9, 11, 12, 14, 16, 17, 19, 20, 22, 24 and 70 to 78 are presented for examination, with Claims 25 to 69 having been withdrawn from consideration. Claims 1, 3, 8, 9, 11, 16, 17, 19, 24, 70, 71 and 73 to 78 have been amended, and Claims 1, 9 and 17 are in independent form. Reconsideration and further examination are respectfully requested.

Applicants thank the Examiner for the indication that Claims 3, 8, 11, 16, 19 and 24 would be allowable if rewritten in independent form, including all of the limitations of the base claims. Applicants have chosen not to rewrite these claims in independent form at this time, since the base claims for each of Claims 3, 8, 11, 16, 19 and 24 are believed to be allowable for at least the reasons set forth below. In this regard, it should be noted that Claims 3, 11 and 19 have been amended to depend on independent Claims 1, 9 and 17, respectively.

In the Office Action, Claims 1, 4, 6, 9, 12, 14, 17, 20, 22, 70, 71, 73, 74, 76 and 77 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,438,752 (McClard). Reconsideration and withdrawal are respectfully requested.

The present invention generally concerns enabling a selection of a program for viewing in a television system. Attributes are recorded that are associated with each program selected by a user in the television system. The attributes include first attributes associated with characteristics of the programs and second attributes associated with the user at a time the programs are selected, wherein the first attributes are made available as Electronic Program Guide (EPG) data. Sets of the attributes are formed, wherein each of

the sets comprise at least two of the attributes. Upon entry of a user request for a program recommendation, a search is performed for programs with attributes that include all the attributes of at least one of the sets, and the user is notified of an availability of programs that include the attributes of at least one of the sets as program recommendations.

Referring specifically to the claims, independent Claims 1, 9 and 17 are respectively directed to a method, a system and a computer program.

A feature of the present invention therefore lies in recording first and second attributes associated with each program, wherein the first attributes are associated with characteristics of the programs and the second attributes are associated with a user at a time the programs are selected. For example, in one embodiment of the invention, the second attributes associated with the user include the mood experienced by the user.

By virtue of the foregoing, in which first and second attributes are recorded that are respectively associated with program characteristics and a user at a time the programs are selected, programs can be recommended based on attributes of the programs themselves and/or attributes of the user selecting the programs.

The applied art is not seen to disclose or to suggest the features of the invention of the subject application. In particular, McClard is not seen to disclose or suggest at least the feature of recording first and second attributes associated with each program, wherein the first attributes are associated with characteristics of the programs, and wherein the second attributes are associated with a user at a time the programs are selected.

As understood by Applicants, McClard discloses a system and method for selecting television programs. The selection is based on the past selection history of an

identified user that allows the user to "surf" directly between desired programs. The system includes a head-end server operable to receive program signals from a programming source, and a user input apparatus which is operable to generate an input signal indicating the identity of a user and an input signal indicating a degree of a selection preference. The system further includes at least one set-top box having a program receiver to receive the program signals from the head-end server, and a user input receiver for receiving the input signals from the user input apparatus. See McClard, Abstract; and Figure 1.

Although McClard may be seen to disclose a system for selecting television programs, it is not seen to disclose or suggest the recording of attributes that are associated with the user, or that such attributes are associated with the user at the time the programs are selected. Rather, McClard is merely seen to disclose that a user is identified by a generated input signal.

In its rejection of Claim 71, the Office Action cited to column 5, lines 62 to 65 of McClard, which discloses that program information includes the type/genre of the program and the starting and ending time of the program. However, this program information is not seen to correspond with attributes of a user, and it is most certainly not an attribute of the user at a time the programs are selected. Moreover, the cited portion is not seen to disclose or suggest that such attributes of the user are recorded. Accordingly, McClard is not seen to disclose or suggest recording first and second attributes associated with each program, wherein the first attributes are associated with characteristics of the programs and the second attributes are associated with a user at a time the programs are selected.

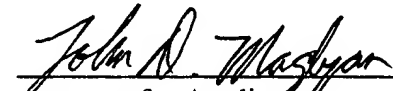
Accordingly, based on the foregoing amendments and remarks, independent Claims 1, 9 and 17 as amended are believed to be allowable over the applied reference.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied reference for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
John D. Magluyan
Registration No. 56,867

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200

Facsimile: (212) 218-2200

CA_MAIN 97936v1